

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

No. CIV 16-00289-WJ-LAM

No. CR 11-02011-WJ

DUSTIN DEAN,

Defendant/Movant.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on Defendant/Movant's *Motion to Proceed Pro Se* (*Cv.Doc. 1*; *Cr.Doc. 36*), which was docketed, in relevant part, as a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. Pursuant to the Rules Governing Section 2255 Proceedings for the United States District Courts, a § 2255 motion must "be in the form of a motion to vacate, set aside, or correct the sentence" and must:

- (1) specify all the grounds for relief available to the moving party;
- (2) state the facts supporting each ground;
- (3) state the relief requested;
- (4) be printed, typewritten, or legibly handwritten; and
- (5) be signed under penalty of perjury by the movant or by a person authorized to sign it for the movant.

Rules Governing Section 2255 Proceedings 2(a)-(b). Furthermore, the motion must be on the proper form or substantially follow the proper form. *Id.* 2(c).

Movant's motion is not in the form of a motion to vacate, set aside, or correct sentence, does not specify all the grounds for relief available, does not state the facts supporting each ground for relief or the relief requested, and is neither on the proper form nor does it substantially follow

the proper form. If Movant wishes to pursue relief under 28 U.S.C. § 2255, he must cure these deficiencies and comply with the Rules Governing Section 2255 Proceedings. Failure to timely cure these deficiencies may result in the dismissal of his Motion (*Cv.Doc. 1*; *Cr.Doc. 36*) without further notice.

IT IS THEREFORE ORDERED that Movant cure the deficiencies designated above within twenty-one (21) days from entry of this order;

IT IS FURTHER ORDERED that the Clerk of the Court mail to Movant, together with a copy of this order, a form 28 U.S.C. § 2255 motion.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE